

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Dennis Himmelberger, on January 16, 2007 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Dennis Himmelberger, Chairman (R)
Rep. Duane Ankney, Vice Chairman (R)
Rep. Hal Jacobson, Vice Chairman (D)
Rep. Debby Barrett (R)
Rep. Gary Branae (D)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Pat Ingraham (R)
Rep. William J. Jones (R)
Rep. Bruce Malcolm (R)
Rep. Walter McNutt (R)
Rep. Alan Olson (R)
Rep. Mike Phillips (D)
Rep. Veronica Small-Eastman (D)
Rep. Franke Wilmer (D)

Members Excused: Rep. Scott Sales

Members Absent: None

Staff Present: Dee Barfknecht, Committee Secretary
Sheri Heffelfinger, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing:	HB 159, HB 209, HB 238, HB 254
Executive Action:	HB 86, HB 124, HB 177, HB 206, HB 242, HB 105, HB 85, HB 142

HEARING ON HB 209

Opening Statement by Sponsor:

00:03:10 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 209, Revise requirements for administrative rules.

Proponents' Testimony: None

Opponents' Testimony:

00:08:09 Dal Smilie, Department of Administration
00:14:36 Russ Cater, Chief Legal Council for the Department of Public Health and Human Services

Informational Testimony:

00:17:51 Jean Branscum, Deputy, Secretary of State's Office

Questions from Committee Members and Responses:

00:20:20 Rep. Jones
00:21:45 Mr. Smilie
00:23:10 Rep. Jones
00:23:41 Mr. Smilie
00:24:42 Rep. Ankney
00:25:02 Rep. Peterson
00:25:55 Rep. Ingraham
00:26:23 Rep. Caferro
00:27:15 Mr. Cater
00:29:17 Sheri Heffelfinger
00:29:54 Rep. Jones
00:31:47 Rep. Peterson
00:32:34 Rep. Jones
00:33:26 Rep. Peterson
00:33:34 Rep. Jones
00:33:41 Mr. Smilie
00:34:36 Rep. Jones
00:34:55 Chairman Himmelberger
00:35:10 Rep. Peterson

Closing by Sponsor:

00:36:06 Rep. Peterson

HEARING ON HB 254

Opening Statement by Sponsor:

00:39:28 Rep. Ron Stoker (R), HD 87, opened the hearing on HB 254, Revise definition of administrative rule.

Proponents' Testimony:

00:42:08 Rep. Bob Lake

00:44:52 Don Allen, Western Environmental Trade Association

Opponents' Testimony:

00:47:34 Mr. Smilie

00:53:16 Mr. Cater

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:36 Rep. Barrett

00:56:10 Mr. Smilie

00:57:09 Rep. Barrett

00:57:30 Mr. Smilie

00:59:43 Rep. Barrett

00:59:49 Mr. Cater

01:01:29 Rep. Barrett

Closing by Sponsor:

01:02:05 Rep. Lake

HEARING ON HB 159

Opening Statement by Sponsor:

01:04:19 Rep. Carol Lambert (R), HD 39, opened the hearing on HB 159, Increase employer contribution rates for PERB systems.

Proponents' Testimony:

01:15:14 Sen. Larry Jent

01:29:52 Roxanne Minnehan, Executive Director, Montana Public Employee Retirement Administration

EXHIBIT(sth10a01)

01:38:27 Tom Schneider, Montana Public Employees Association
01:41:02 Leo Berry, Representative of the Association of Montana
Public Retired Employees
01:44:11 Tom Bilodeau, Montana Education Association/Montana
Federation of Teachers (MEA/MFT)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:45:29 Rep. Ingraham
01:46:19 Ms. Minnehan
01:47:03 Kim Flatow, Montana Public Employee Retirement
Association
01:47:33 Rep. Wilmer
01:48:08 Sen. Jent
01:48:45 Rep. Malcolm
01:49:32 Sen. Jent
01:51:08 Rep. Ingraham
01:51:51 Sen. Jent

Closing by Sponsor:

01:53:42 Rep. Lambert

01:55:04 Recess
02:08:01 Reconvened

HEARING ON HB 238

Opening Statement by Sponsor:

02:08:06 Rep. Mike Phillips (D), HD 66, opened the hearing on HB
238, Fund waste and energy audit for government to
reduce operating costs.

EXHIBIT (sth10a02)

Proponents' Testimony:

02:16:10 John Fitzpatrick, Northwestern Energy

Opponents' Testimony: None

Informational Testimony:

02:18:32 Louise Moore, Montana Department of Environmental
Quality

Questions from Committee Members and Responses:

02:23:10 Rep. Ankney
02:23:59 Rep. Phillips
02:24:05 Ms. Moore
02:24:17 Rep. Wilmer
02:25:25 Rep. Phillips
02:26:18 Rep. Wilmer
02:26:25 Ms. Moore
02:26:47 Rep. Malcolm
02:27:34 Rep. Phillips
02:27:40 Rep. Malcolm
02:27:48 Rep. Phillips
02:28:31 Rep. Malcolm
02:29:06 Rep. Phillips
02:31:01 Rep. Ingraham
02:32:49 Ms. Moore
02:33:00 Rep. Wilmer
02:33:09 Ms. Moore
02:33:17 Rep. Wilmer
02:33:47 Ms. Moore
02:33:52 Rep. Wilmer
02:34:06 Ms. Moore
02:34:26 Rep. Dickenson
02:35:23 Rep. Phillips
02:36:33 Chairman Himmelberger
02:37:09 Ms. Moore
02:39:28 Chairman Himmelberger
02:40:24 Rep. Phillips
02:40:53 Rep. Malcolm
02:41:15 Ms. Moore
02:41:21 Rep. Malcolm
02:41:49 Ms. Moore
02:41:54 Rep. Malcolm
02:42:40 Ms. Moore
02:43:09 Rep. Malcolm
02:43:14 Ms. Moore
02:43:36 Rep. Malcolm
02:43:41 Ms. Moore
02:43:50 Rep. Malcolm
02:44:04 Ms. Moore

Closing by Sponsor:

02:44:48 Rep. Phillips

Additional Discussion:

02:47:26 Rep. Small-Eastman
02:47:34 Chairman Himmelberger
02:47:40 Rep. Small-Eastman

EXECUTIVE ACTION ON HB 86

02:47:49 **Motion:** Rep. Olson moved that **HB 86 DO PASS.**

02:48:12 **Motion:** Rep. Wilmer moved that **HB 86 BE AMENDED.**
EXHIBIT(sth10a03)

Discussion:

02:48:19 Sheri Heffelfinger
02:51:09 Rep. Wilmer
02:51:22 Sheri Heffelfinger
02:52:11 Rep. Wilmer
02:53:24 Rep. Jacobson

02:53:55 **Vote:** Motion that **HB 86 BE AMENDED** carried unanimously by voice vote. Reps. Sales and Barrett voted by proxy.

02:54:45 **Motion/Vote:** Rep. Olson moved that **HB 86 DO PASS AS AMENDED.** The motion carried unanimously by roll call vote, 18-0. Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 124

02:56:04 **Motion/Vote:** Rep. Olson moved that **HB 124 DO PASS.**
Motion carried unanimously by voice vote. Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 142

02:57:15 **Motion:** Rep. Olson moved that **HB 142 DO PASS.**

Discussion:

02:57:38 Rep. Jacobson

02:57:55 Chairman Himmelberger

02:58:04 **Motion/Vote:** Motion that **HB 142 BE TABLED**, carried unanimously by roll call vote, 18-0. Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 177

02:59:24 **Motion:** Rep. Olson moved that **HB 177 DO PASS**.

Motion: Chairman Himmelberger moved that **HB 177 BE AMENDED**.

EXHIBIT (sth10a04)

Discussion:

02:59:48 Sheri Heffelfinger

03:01:59 Rep. Wilmer

03:02:17 Sheri Heffelfinger

03:03:16 Chairman Himmelberger

03:03:23 Sheri Heffelfinger

03:03:33 Rep. Wilmer

03:03:39 Sheri Heffelfinger

03:03:51 Rep. Olson

03:04:09 Sheri Heffelfinger

03:06:04 Chairman Himmelberger

03:06:13 Mark Simonich, Secretary Of State's Office

03:07:45 Rep. McNutt

03:08:12 Mr. Simonich

03:08:49 Rep. Olson

03:09:07 Rep. Wilmer

03:10:08 Sheri Heffelfinger

03:11:36 Rep. Henry

03:11:41 Sheri Heffelfinger

03:12:16 **Vote:** Motion that **HB 177 BE AMENDED** carried unanimously by voice vote. Reps. Sales and Barrett voted by proxy.

Discussion:

03:12:22 Rep. Dickenson

03:12:48 **Motion/Vote:** Rep. Olson moved that **HB 177 DO PASS AS AMENDED**. Motion carried unanimously by voice vote.
Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 206

03:14:30 **Motion:** Rep. Olson moved that **HB 206 DO PASS**.

03:14:54 **Motion:** Rep. Ingraham moved that **HB 206 BE AMENDED**.
[**EXHIBIT**](#)(sth10a05)

Discussion:

03:15:24 Sheri Heffelfinger
03:17:49 Rep. Ingraham
03:18:07 Chairman Himmelberger

03:18:17 **Vote:** Motion that **HB 206 BE AMENDED**, Exhibit 5,
carried unanimously by voice vote. Reps. Sales and
Barrett voted by proxy.

03:18:50 **Motion:** Rep. Ingraham moved that **HB 206 DO PASS
AS AMENDED**.

Discussion:

03:19:12 Rep. Malcolm
03:19:55 Sheri Heffelfinger

03:20:32 **Motion:** Rep. Malcolm moved that **HB 206 BE FURTHER
AMENDED**.
[**EXHIBIT**](#)(sth10a06)

03:21:05 **Vote:** Motion that **HB 206 BE AMENDED**, Exhibit 6,
carried unanimously by voice vote. Reps. Sales and
Barrett voted by proxy.

03:21:18 **Motion/Vote:** Rep. Malcolm moved that **HB 206 DO PASS AS
AMENDED**, Exhibit 5. The motion carried unanimously, by
voice vote. Reps. Sales and Barrett voted by proxy.

03:22:00 **Motion/Vote:** Rep. Ingraham moved that **HB 206 DO PASS AS
AMENDED**, Exhibit 6. Motion passed unanimously by voice
vote. Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 242

03:22:54 **Motion:** Rep. Olson moved that **HB 242 DO PASS.**

03:23:14 **Motion:** Rep. Olson moved that **HB 242 BE AMENDED.**
[EXHIBIT \(sth10a07\)](#)

Discussion:

03:23:37 Sheri Heffelfinger
03:24:47 Chairman Himmelberger
03:25:01 Sheri Heffelfinger
03:25:36 Chairman Himmelberger
03:25:42 Sheri Heffelfinger

03:25:55 **Vote:** Motion that **HB 242 BE AMENDED** carried
unanimously by voice vote. Reps. Sales and Barrett
voted by proxy.

03:26:18 **Motion/Vote:** Rep. Olson moved that **HB 242 DO PASS AS**
AMENDED. The motion carried unanimously by voice vote.
Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 105

03:27:04 **Motion:** Rep. Small-Eastman moved that **HB 105 DO PASS.**

Discussion:

03:27:59 Rep. Small-Eastman
03:28:40 Rep. Olson

03:29:44 **Motion/Vote:** Rep. Olson moved **TO POSTPONE** executive
action on **HB 105** until 01/18/07. The motion carried
without objection by voice vote. Reps. Sales and
Barrett voted by proxy.

EXECUTIVE ACTION ON HB 85

03:30:20 **Motion:** Rep. Malcolm moved that **HB 85 BE RECONSIDERED.**

Discussion:

03:30:45 Sheri Heffelfinger
03:31:34 Chairman Himmelberger
03:32:08 Rep. Olson
03:32:32 Rep. Henry
03:33:41 Chairman Himmelberger

03:34:24 **Substitute Motion/Vote:** Rep. Olson made a substitute motion that **HB 85 BE RECONSIDERED** on 01/17/07. The motion carried by roll call vote, 13-5. Reps. Branae, Caferro, Dickenson, Henry and Small-Eastman voted no. Reps. Sales, Barrett and Jacobson voted by proxy.

ADJOURNMENT

03:37:03 Adjournment

REP. DENNIS HIMMELBERGER, Chairman

DEE BARFKNECHT, Secretary

DH/db

Additional Exhibits:

EXHIBIT ([sth10aad.pdf](#))